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TO: GROUP ART UNIT: 1816  
Examiner Schwadron

FROM: Robin L. Teskin

DATE: August 5, 1997

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**MESSAGE:**

§132 Declaration of Darrell R. Anderson in connection with U.S. Serial No. 08/476,275, filed June 7, 1995.

Client No. 012712-155

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# 23

Patent  
Attorney's Docket No. 012712-155

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Formal

In re Patent Application of ) AFTER FINAL  
Darrell R. ANDERSON et al. ) Group Art Unit: 1816  
Application No.: 08/476,275 ) Examiner: R. SCHWADRON  
Filed: June 7, 1995 )  
For: THERAPEUTIC APPLICATION OF )  
CHIMERIC RADIOLABELED ANTI- )  
BODIES TO HUMAN B LYMPHOCYTE )  
RESTRICTED DIFFERENTIATION... )

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8/5/97SUBMISSION OF §132 DECLARATION OF DARRELL R. ANDERSONAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with a telephonic interview with Examiner Schwadron, submitted herewith is an executed Declaration of inventor Darrell R. Anderson in connection with the above-identified application.

Respectfully submitted,

BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P.

By Robin L. Teskin  
Robin L. Teskin  
Registration No. 35,030P.O. Box 1404  
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Date: August 5, 1997

Application Serial No. 08/476,275  
Attorney's Docket No. 012712-155

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*Robin L. Teskin*

Robin L. Teskin

Typed name of person signing certificate

Patent  
Attorney's Docket No. 012712-155

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )

Darrell R. Anderson et al )

Serial No. 08/476,275 )

Filed: June 7, 1995 )

For: THERAPEUTIC APPLICATION OF )  
CHIMERIC AND RADIO-LABELED )  
ANTIBODIES TO HUMAN B LYMPHO- )  
CYTE RESTRICTED DIFFERENTI- )  
ATION ANTIGEN FOR TREATMENT... )

Group Art Unit: 1816

Examiner: R. Schwadron

**DECLARATION OF DARRELL R. ANDERSON**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, Darrell R. Anderson, declare and state as follows:

(1) I reside at 1651 Navajo Place, Escondido, California 92029.

(2) I am the same Darrell R. Anderson who is an inventor on the above-identified application. I am also the same Darrell R. Anderson who is an author on "Immunoreactivity and Effector Function Associated with a Chimeric Anti-CD20 Antibody," Anderson et al, The 2nd Annual IBC International Conference on Antibody Engineering (December 16-18, 1991 (hereinafter "the Anderson abstract" or "the Anderson reference")).

(3) The Anderson reference is an abstract which was presented at the IBC International Conference. This abstract generally relates to the C2B8 and the 2B8 antibodies. More particularly, and as reflected by the title of the abstract, the Anderson reference relates to the immunoreactivity and effector functions associated

Serial No. 08/476,276  
Attorney Docket 012712-135

with the C2B8 antibody. The abstract further describes that the C2B8 antibody is a chimeric antibody containing human constant regions and murine variable regions which binds to the human CD20 antigen. The abstract further discloses that the 2B8 antibody is the murine anti-CD20 antibody from which the variable regions contained in the C2B8 antibody were derived. Also, the Anderson abstract contains information relating to the potential usage of the C2B8 antibody for the treatment for B cell lymphoma.

(4) However, as discussed in the letter submitted to the European Patent Office on September 5, 1995, the Anderson abstract does not contain sufficient information to enable one skilled in the art to synthesize or otherwise obtain the C2B8 or the 2B8 antibodies. For example, this abstract does not contain any amino acid or DNA sequence information relating to the C2B8 or the 2B8 antibody. Moreover, no amino acid or DNA sequence information relating to either the C2B8 or the 2B8 antibody was reported in the literature or otherwise publicly disseminated prior to the November 3, 1993 priority date of this application. Furthermore, neither the C2B8 antibody or the 2B8 antibody, or cell lines which produce either of these antibodies were made publicly available prior to the November 3, 1993, priority date of this application.

The undersigned inventor declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprison-

Serial No. 08/476,275  
Attorney Docket 928722-188

ment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/5/97

Darrell R. Anderson  
Darrell R. Anderson, PhD.